

AMENDED IN SENATE APRIL 25, 2011

**SENATE BILL**

**No. 938**

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**Introduced by Committee on Governmental Organization (Senators Wright (Chair), Anderson, Berryhill, Calderon, Cannella, Corbett, De León, Evans, Hernandez, Padilla, Strickland, Wyland, and Yee)**

March 21, 2011

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An act to amend Sections 14745, 14746, 14750, 14755, 14756, 14765, 14766, and 14767 of, and to repeal Sections 14760 and 14768 of, the Government Code, relating to ~~the Secretary of State~~ *state records*.

LEGISLATIVE COUNSEL'S DIGEST

SB 938, as amended, Committee on Governmental Organization. ~~Secretary of State duties.~~ *State records*.

Existing law requires the Director of General Services to establish and administer in the executive branch of state government a records management program.

This bill would transfer duties of the director that are related to records management to the ~~Secretary of State~~ *California Technology Agency*. This bill would also transfer persons employed by the Department of General Services in the California Records and Information Management Program, and all equipment and records in the State Records Center in the Department of General Services, to the ~~Secretary of State~~ *California Technology Agency*.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 14745 of the Government Code is amended to read:

14745. The ~~Secretary of State~~ *California Technology Agency* shall establish and administer in the executive branch of state government a records management program, which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of state records.

SEC. 2. Section 14746 of the Government Code is amended to read:

14746. The duties of the ~~Secretary of State~~ *California Technology Agency* shall include, but not be limited to, the following:

(a) Establishing standards, procedures, and techniques for effective management of records.

(b) Providing appropriate protection for records designated by state agencies, as essential to the functioning of state government in the event of a major disaster.

(c) Obtaining from agencies reports required for the administration of the program.

SEC. 3. Section 14750 of the Government Code is amended to read:

14750. The head of each agency shall:

(a) Establish and maintain an active, continuing program for the economical and efficient management of the records and information collection practices of the agency. The program shall ensure that the information needed by the agency shall be obtained with a minimum burden upon individuals and businesses, especially small business enterprises and others required to furnish the information. Unnecessary duplication of efforts in obtaining information shall be eliminated as rapidly as practical. Information collected by the agency shall, as far as is expedient, be collected and tabulated in a manner that maximizes the usefulness of the information to other state agencies and the public.

(b) Determine, with the concurrence of the ~~Secretary of State~~ *California Technology Agency*, records essential to the functioning of state government in the event of a major disaster.

1 (c) Comply with the rules, regulations, standards and procedures  
2 issued by the ~~Secretary of State~~ *California Technology Agency*.

3 SEC. 4. Section 14755 of the Government Code is amended  
4 to read:

5 14755. (a) No record shall be destroyed or otherwise disposed  
6 of by any agency of the state, unless it is determined by the  
7 ~~Secretary of State~~ *California Technology Agency* that the record  
8 has no further administrative, legal, or fiscal value and the  
9 Secretary of State has determined that the record is inappropriate  
10 for preservation in the State Archives.

11 (b) The ~~Secretary of State~~ *California Technology Agency* shall  
12 not authorize the destruction of any record subject to audit until  
13 he or she has determined that the audit has been performed.

14 (c) The ~~Secretary of State~~ *California Technology Agency* shall  
15 not authorize the destruction of all or any part of an agency  
16 rulemaking file subject to Section 11347.3.

17 SEC. 5. Section 14756 of the Government Code is amended  
18 to read:

19 14756. The public records of any state agency may be  
20 microfilmed, electronically data imaged, or otherwise  
21 photographically reproduced and certified upon the written  
22 authorization of the head of the agency. The microfilming,  
23 electronic data imaging, or photographic reproduction shall be  
24 made in compliance with the minimum standards or guidelines,  
25 or both, as recommended by the American National Standards  
26 Institute or the Association for Information and Image  
27 Management, and as adopted by the *California Technology Agency*,  
28 *in consultation with the* Secretary of State, for recording of  
29 permanent records or nonpermanent records.

30 The certification of each reproduction or set of reproductions  
31 shall be in accordance with the standards, or have the approval, of  
32 the Attorney General. The certification shall contain a statement  
33 of the identity, description, and disposition or location of the  
34 records reproduced, the date, reason, and authorization for the  
35 reproduction, and other information that the Attorney General  
36 requires.

37 The certified reproductions shall be deemed to be original public  
38 records for all purposes, including introduction in courts of law  
39 and state agencies.

40 SEC. 6. Section 14760 of the Government Code is repealed.

SEC. 7. Section 14765 of the Government Code is amended to read:

14765. All persons, other than temporary employees, serving in the state civil service and employed by the Department of General Services in the California Records and Information Management Program and the State Records Center, shall remain in the state civil service and are hereby transferred to the ~~Secretary of State~~ *California Technology Agency*. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act.

SEC. 8. Section 14766 of the Government Code is amended to read:

14766. All equipment and records in the State Records Center in the Department of General Services are transferred to the ~~Secretary of State~~ *California Technology Agency*.

SEC. 9. Section 14767 of the Government Code is amended to read:

14767. The ~~Secretary of State~~ *California Technology Agency* shall establish, maintain, and operate record centers for the storage, processing, and servicing of records for state agencies pending their deposit with the Archives of the State of California or their disposition in any other manner authorized by law.

SEC. 10. Section 14768 of the Government Code is repealed.